

## REMARKS

Claims 1-63 are previously pending, with Claims 21-38 allowed, Claims 7-11, 13 and 50 being objected to as depending from rejected claims but allowable if rewritten, and with Claims 1-6, 12, 14-20 and 36-63 rejected. Reconsideration is requested.

The Examiner did not consider the claim language defining movement “along” the path sufficient to distinguish the references. The claims are amended to further define the path and guiding portions.

### **Claims 48, 49, 51, 61 and 63**

These claims were rejected as anticipated by Tobe (6,091,179).

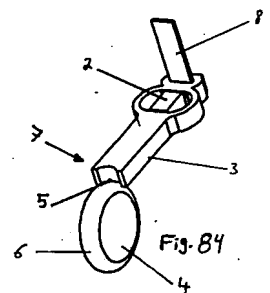
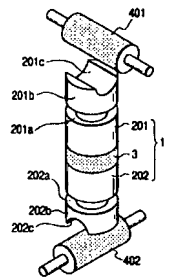
Independent Claim 48 is amended to include dependent Claim 50 which was considered allowable if rewritten. Claim 50 is cancelled. Amended Claim 48, and dependent Claims 49, 51, 61 and 63 are thus believed to be allowable and such allowance is respectfully requested.

### **Claims 1, 2, 4-5, 39, 52-53, 55 and 58 - Anticipation**

These claims were rejected as anticipated by Maeno, one image of which is shown to the right. Maeno rotates cylinders about their longitudinal axis and Maeno’s path is curved.

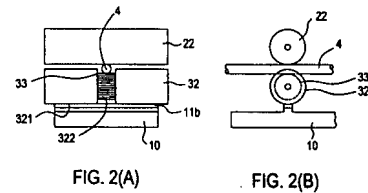
Claim 1 now defines “the driven element rotating about an axis passing through that portion of the two planes that each contain one of the side surface when the path is curved.” The rotational axis of Maeno is between those planes and does not pass through them as defined in Amended Claim 1. In contrast, Applicant’s comparable rotational embodiment meets the claim requirements as shown by Fig. 84 to the right. The devices rotate the driven elements differently. There is no anticipation.

Dependent Claims 2, 4-5, 39, 52-53, 55 and 58 depend from Claim 1 and are allowable for the same reasons as Claim 1.



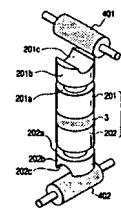
**Claims 1, 2, 4-5, 39, 52-53, 55 and 58 - Obvious**

These claims were rejected in the alternative as obvious over Maeno in view of Tobe. Two images from Tobe are shown to the right. The piezoelectric device 10 rotates intermediate cylinder 32 which has a groove 33 in which is located a translated rod 4.



Claim 1 defines at least one of the resonator contact area and the device surface as having a surface profile configured to guide the device along the path and contacting the other of the resonator contact area and device surface by having side surfaces located on opposing sides of the path with each side surface in contact with the device to keep the device between the side surfaces and on the path. Tobe's piezoelectric contact portion never contacts the driven element or rod 4 since it always acts through an intermediate part.

Further, it makes no sense to combine Maeno and Tobe. Maeno is a direct drive configuration for rotating a part while Tobe uses an intermediate member to translate a rod. Maeno wraps around part of a curved surface to engage and rotate that curved surface while Tobe places a rod in a groove and never says the vertical sides of the groove about the rod. Adding the intermediate part of Tobe to Maeno changes the fundamental mode of operation. The same applies for adding Maeno's features to Tobe. If the proposed combination of prior art would change the principal of operation of the prior art being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. MPEP §2143.01 VI. citing *In re Ratti*, 123 USPQ 349 (CPA 1959).



Claims 2, 4-5, 39, 52-53, 55 and 58 depend from Claim 1 and are allowable for the same reasons as Claim 1. Reconsideration and of these claims is respectfully requested.

Application No.: PIEZOMOTOR WITH A GUIDE

Attorney Docket: ELLIP-007USB

### CONCLUSION

As Claims 21-38 were allowed, and as the remaining claims are allowable in view of the comments and amendments herewith, all claims are now believed to be in a condition for allowance and such allowance is respectfully requested.

If any additional fee is required, please charge Deposit Account Number 19-4330.

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